

SUMMONS ISSUED

CV-11-3381

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

NATHAN SPIRA

★ JUL 13 2011 ★

Plaintiff,

LONG ISLAND OFFICE

-against-

COMPLAINT

PORTFOLIO RECOVERY ASSOCIATES, L.L.C.

GARAUFIS, J.

Defendant.

GO, M.

Plaintiff, by and through his attorney, Adam J. Fishbein, as and for his complaint alleges as follows:

INTRODUCTION

0.1 This is an action for damages brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

PARTIES

0.2 Plaintiff is a natural person residing in Kings County, New York.

0.3 Upon information and belief, defendant Portfolio Recovery Associates, L.L.C. is a collection agency with its principal location in Nassau County, New York. Defendant is a debt collector within the meaning of the FDCPA and a limited liability company.

JURISDICTION

0.4 This Court has jurisdiction pursuant to 15 U.S.C. § 1692k (FDCPA) and 28 U.S.C. § 1331.

AS AND FOR A FIRST CAUSE OF ACTION

1.1 Plaintiff realleges paragraphs 0.1 through 0.4 as if fully restated herein.

1.2 That a personal debt was allegedly incurred by the plaintiff.

1.3 That at a time unknown to the plaintiff herein, the aforementioned debt was referred to defendant for collection.

1.4 That on or about November 4, 2010 a collection representative on behalf of the defendant, Mrs. Moore, contacted the plaintiff.

1.5 During the said conversation Mrs. Moore threatened the plaintiff that the plaintiff's children would not be able to go to college due to the plaintiff's bad credit.

1.7 Mrs. Moore also refused to send the plaintiff a letter concerning the debt.

1.8 Plaintiff suffered emotional distress damage due to the defendant's actions.

1.8 Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) The defendant violated 15 U.S.C. § 1692e(5) by engaging false threats.
- (b) The defendant violated 15 U.S.C. § 1692e(10) by engaging in deceptive representations.

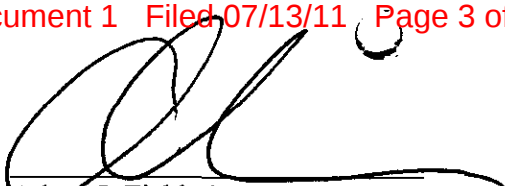
- (c) The defendant violated 15 U.S.C. § 1692d by harassing the plaintiff.

1.9 As a result of the above violations of the FDCPA, defendant is liable to the plaintiff for the sum of plaintiff's statutory and actual damages to be determined at trial, plus costs and attorney's fees.

WHEREFORE, plaintiff respectfully prays that judgment be entered against defendant in the amount of:

- (a) Statutory and actual damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial.
- (b) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.
- (c) For such other and further relief as may be just and proper.

Dated: Cedarhurst, New York
July 11, 2011


Adam J. Fishbein, P.C. (AF-9508)

Attorney At Law

Attorney for the Plaintiff

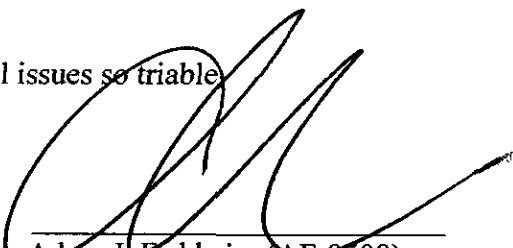
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Plaintiff requests trial by jury on all issues so triable


Adam J. Fishbein (AF-9508)